

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1468 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO
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VISHNUBHAI AMRUTBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

1. Criminal Misc.Application No. 1468 of 2002  
MR BM MANGUKIYA for Petitioner No. 1-3  
MR ND GOHIL, APP for Respondent Nos.1 and 4  
MR MIHIR THAKOR, Senior Counsel for SINGHI & CO  
for Respondent No. 2  
Respondent no.3 deleted.
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CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 20/06/2002

ORAL JUDGEMENT

1. Rule. Mr.ND Gohil, learned APP appears and waives service of notice of Rule on behalf of respondent nos.1 and 4. Mr.Vyapak Desai, learned advocate for Mr.Mihir Thakor, senior counsel, appear and waives service of notice of Rule on behalf of respondent no.2.

2. By means of filing this petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code') the petitioner has prayed for quashing the FIR lodged with the Crime Branch Economy Cell vide CR I No.112/2000 for the alleged offences punishable under Sections 120(B), 420, 467, 468 and 471 of the Indian Penal Code.

3. Mr.Mangukiya, learned counsel for the petitioner and Mr.Mihir Thakor, learned counsel for the respondent no.2 jointly submitted that the matter has been amicably settled between the parties outside the Court. They, therefore, submitted that in view of the settlement arrived at between the parties, this petition may be allowed and the impugned FIR lodged by the respondent no.2 against the petitioner - accused may be quashed.

4. In view of the aforesaid state-of-affairs and in view of the statement made by the learned counsels for the parties with respect to the amicable settlement arrived at between the parties, this petition deserves to be allowed by quashing the impugned FIR.

5. For the foregoing reasons, petition succeeds and it is accordingly allowed. The impugned FIR being CR I No.112/2000 (Annexure-'A' to the petition) lodged by the respondent no.2 against the petitioner with the Crime Branch Economy Cell for commission of the alleged offences punishable under Sections 120(B), 420, 467, 468 and 471 of the Indian Penal Code is hereby quashed. Resultantly, all the proceedings initiated in pursuant to to the said FIR also stand terminated. Rule is made absolutely accordingly.

( A.M. Kapadia, J. )

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